
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

MARLIN BAER,

Plaintiff,

v.

SALT LAKE CITY CORPORATION, et al.,

Defendants.

**MEMORANDUM DECISION AND
ORDER DENYING MOTION TO SET
ASIDE AND VACATE CLERK'S
JUDGMENT**

Case No. 2:13-cv-00336-CW-PMW

Judge Clark Waddoups

Mr. Baer has filed a “Motion to Set Aside and Vacate Premature Judgment by the Clerk on Salt Lake County and Jeffrey Steggall Bill of Costs.” (Dkt. No. 242.)

Upon the court’s order adopting Magistrate Judge Warner’s Reports and Recommendations and dismissing Mr. Baer’s claims against the remaining defendants in this case, (Dkt. No. 236), the Clerk of Court entered judgment in favor of the defendants and closed the case. (Dkt. No 237.) Federal Rule of Civil Procedure 58(b) requires the clerk of court to “promptly prepare, sign, and enter a judgment,” without awaiting the court’s direction, when the court denies all relief. The Clerk used a standard administrative form, AO 450, to enter the judgment.¹ Thus, the Clerk’s entry of judgment and closing the case constitutes a ministerial act. The case may still be reopened if Mr. Baer’s claims are found to have merit on appeal.

Additionally, though the County Defendants have filed a bill of costs with the court, (Dkt. No. 238), the Clerk has not yet taken any action to grant costs.

Therefore, the court DENIES Mr. Baer’s Motion at this time. (Dkt. No. 242.)

¹ AO 450 is available at <http://www.uscourts.gov/forms/civil-judgment-forms/judgment-civil-case>.

DATED this 26th day of October, 2016.

BY THE COURT:



Clark Waddoups
United States District Judge